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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,926	07/15/2003	Adrianus Johannes Heinen	USP169781A	6818
7590	09/08/2005		EXAMINER	
Daniel H. Golub 1701 Market Street Philadelphia, PA 19103			AVERY, BRIDGET D	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Mc</i> Office Action Summary	Application No.	Applicant(s)
	10/619,926	HEINEN, ADRIANUS JOHANNES
	Examiner	Art Unit
	Bridget Avery	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (US Patent 4,963,122).

Ryan teaches a traction assembly including a wheel comprising a wheel shaft and traction means which, when in operation, exert torque on the wheel shaft, wherein the traction ratio, being the arm of the torque divided by a radius of the wheel, is larger than 0.57, 0.65, 0.7, and smaller than 1.0. See column 7, lines 3-59.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan ('122) in view of Toida et al. ('584).

Ryan teaches the features described above including a motor.

Ryan lacks the teaching of an electric motor.

Toida et al. teaches an electric motor including the features described above.

Toida et al. further teaches a stator provided with windings that with respect to a vehicle are statically arranged in the vehicle and a rotor provided with permanent magnets. The rotor is arranged coaxially around the stator and connected to a drive shaft of the electric motor. The permanent magnets are connected to the wheel shaft.

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan ('122) and Toida et al. ('584) as applied to claim 5 above, and further in view of Alber (US Patent 5,246,082).

The combination of Ryan and Toida et al. teach the features described above.

The combination of Ryan and Toida et al. lack the teaching of control means with the stator.

Alber teaches control means for the operation of the electric motor within the stator.

Based on the teachings of Alber, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the combination of Ryan and Toida et al. to include control means within the stator to allow the control system to ascertain an exact position of the rotor relative to the stator under any condition.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gibson shows a narrow aisle material handling truck.

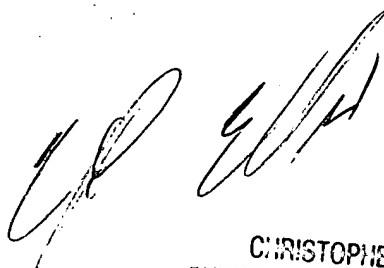
Lee et al. shows a driving wheel.

5. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.



Avery

September 6, 2005



CHRISTOPHER P. ELLIS
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